## REMARKS

In a Final Office Action dated February 5, 2008, claims 27-29 and 32 were rejected under 35 USC 102(e) as being anticipated by Choi (US Patent 6,689,502) and also Potter et al. (US Publication 2004/0115507). In the prior Office Action response, Applicant had argued that Choi and Potter do not disclose an ion flow from an anode on a first side of an electrolyte to a cathode on the first side of the electrolyte. Examiner rejected Applicant's arguments arguing that it is reasonable to expect some ionic exchange from adjacent electrodes are of opposite polarity. Applicant called the Examiner to discuss the rejection.

In the telephone interview, Examiner and Applicant agreed that Figure 6 of Choi does show an anode and electrode on the same side of the electrolyte. However, Applicant pointed out that the flow of ions is designed to be between and anode and cathode on opposite sides of the electrolyte (such as anode 121 to cathode 132). Applicant acknowledged that there may be a small parasitic ion flow between an anode and cathode on the same side of the electrolyte, however, any such ion flow is highly undesirable and must be minimized because such ion flow between an anode and a cathode on the same side of the electrolyte in Choi represents a short of the serially connected cells. Thus Applicant and Examiner agreed that amending claim 27 such that the predominant ion flow is between the anode and cathode on the same side of the electrolyte should address the concern that a parasitic ion flow may occur between the anode and electrode on the same side of the electrolyte.

Potter was also discussed in the interview. It was pointed out that the ion flow in Potter occurs in the porous portion of the electrode identified in paragraph 49 as "electrode 220". Electrode 220 is part of each cathode 210 and anode 215. In fact, elements 210 and 215 are called in parts of the specification the anode and cathode and in other parts "current extraction leads 210 and 215" (See paragraph 67). In any case, ion exchange does not occur between the metal leads portion of the anode and cathode but between the catalyst portion of the anode and cathode represented by

areas 220. These are on opposite sides of the electrolyte (one is on the left side and one is on the right side), they cannot be considered the same side. Thus Potter likewise does not show a predominant ion flow between an anode and a cathode on the same side of an electrolyte.

Claim 35 and 38 were held to be allowable and Applicant thanks Examiner for the allowances. Applicant has also added new dependent claims.

The undersigned Xerox Corporation attorney (or agent) hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

In the telephone interview, Examiner agreed to contact Applicant if the Examiner found problems with the current claims. Applicant thus respectfully requests that Examiner call Applicant at 714 565-1158 in the event that the current claims are not in condition for allowance.

Respectfully submitted,

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